



State of California  
**Respiratory Care Board**  
444 North 3rd Street, Suite 270  
Sacramento, CA 95814  
Telephone (916) 323-9983  
Fax (916) 323-9999  
[www.rcb.ca.gov](http://www.rcb.ca.gov)



May 18, 2005

**Inquiry:** I have a question concerning the legality of a facility working without a respiratory therapist. The administrator at the facility that I work for says that under Title 22 of California law, respiratory therapists are not needed in a facility even when there are ventilators, aerosols or tracheostomy present.

Please clarify as to the legality of this statement.

**Response:** The Board has the following comment regarding your inquiry:

It is not correct that title 22 does not require the use of licensed respiratory care practitioners in a facility where patients require mechanical ventilation, aerosol therapy or adjunctive airways. In 1985, the Respiratory Care Practice Act was established that defined that a license to practice respiratory care in California was required. In addition, title 22 is not inclusive when it comes to meeting the state requirement for providing appropriate and safe care to patients. Section 3701 of the business and professions code clearly states that the practice of respiratory care in California affects the public health, safety, and welfare and is to be subject to regulation and control in the public interest to protect the public from the unauthorized and unqualified practice of respiratory care and from unprofessional conduct by persons licensed to practice respiratory care.

Thank you for your inquiry. Should you have additional questions, please do not hesitate to contact the Executive Officer of the Respiratory Care Board.

Reference #: 2004-C-37